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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/607,812	06/27/2003	Andrew D. Milligan	13768.783.87	8393

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WORKMAN NYDEGGER/MICROSOFT
1000 EAGLE GATE TOWER
60 EAST SOUTH TEMPLE
SALT LAKE CITY, UT 84111

EXAMINER

PONIKIEWSKI, TOMASZ

ART UNIT PAPER NUMBER

2165

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/17/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/607,812	Applicant(s) MILLIGAN ET AL.	
	Examiner Tomasz Ponikiewski	Art Unit 2165	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 December 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 and 41-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-36 and 41-43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4-December-2006 has been entered.

2. The Amendment filed on December 4, 2006 has been received and entered. Claims 1-36 and 41-43 are pending. Claims 37-40 are canceled

Claim Objections

3. Claims 1-27 and 41 are objected to because of the following informalities:

All dependant claims must be consistent with new changes made with respect to their independent claims, for example, claim 1 states "act of" while claim 2 only refers to "returning".

Claim 4 appears to have a mistake showing "4" in line 2. Appropriate correction is required.

Claim 41 appears to have mistake in form of "the a node" in line 13. Appropriate correction is required.

Claims 36 recite the word "for" in the body of the claims. It indicates intended use and as such does not carry patentable weight. The word could be changed to recite "to". The limitations following the phrase "for" describes only intended use but not necessarily required functionality of the claim. Limitations following the phrase "for" do not carry patentable weight, which cause the claims to appear as a series of non-functional descriptive material/data without any functional relation with each other. Applicant is required to amend the claims so that the claim limitations are recited in a definite form. For example, claim 10 recites "for communicating" should be "to communicate" or "that communicates".

Claims 17, 41 recites, "may be". Suggests option that implies that it actually doesn't have to be. Therefore has no weight on the invention. Appropriate correction is required.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

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5. Claim1, 17, 28 and 41 rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 1, 17, 28 and 41 recite the word "for" in the preamble. It indicates intended use and as such does not carry patentable weight. The limitations following the phrase "for" describes only intended use but not necessarily required functionality of the claim. Limitations following the phrase "for" do not carry patentable weight, which cause the claims to appear as a series of non-functional descriptive material/data without any functional relation with each other. Claims should be amended to recite: "to obtain", "that obtains".

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 1, 16-17, 19, 27, 28 and 41 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1, 17, 28 and 41 recite the limitation "or". The claim should point to a definite choice.

Claims 16, 19 and 27 all recite, "operable to". Operating does not mean that the step is being accomplished. It suggests a capability but not necessarily taking place. It should be deleted or amended to recite definite language i.e. "configured to" or "to".

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 1-36 and 41-43 are rejected under 35 U.S.C. 102(e) as being anticipated by Carson et al. (US PUB 2004/0093326 A1).

As per claim 1 Carson et al. is directed to in a computing environment, a method for obtaining taxonomy information for one or more nodes in a taxonomy, the method comprising:

an act of receiving a request for taxonomy-related information, the request including identification data identifying a node within the taxonomy and relationship data identifying a specified relationship a node is to have with the identified node (page 4,

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paragraph 0032, lines 4-5; page 7, paragraph 0071; page 7, paragraph 0072, lines 6-7; page 7, paragraph 0074, lines 2-4);

an act of extracting the identified data and relationship data from the request (page 7, paragraph 0072, lines 1-3, wherein “extracting” could mean “abstraction”);

an act of querying one or more databases in accordance with the identification data to obtain taxonomy related information for any nodes having the specified relationship with the identified node, the nodes of each database comprising or being logically ordered under at least one of a plurality of root nodes (figure 2A; page 6, paragraph 0056, lines 8-9; page 7, paragraph 0068, page 7, paragraph 0070, lines 3-10); and

an act of receiving taxonomy-related information having at least one identifier that corresponds to a node having the specified relationship with the identified node in response to the query (page 3, paragraph 0025, lines 3-5).

As per claim 2 Carson et al. is directed to returning the taxonomy-related information in response to the request (page 4, paragraph 0040, lines 7-8).

As per claim 3 Carson et al. is directed to the identification data comprises an identifier of a taxonomy and the relationship data indicates a root node relationship, and wherein returning the taxonomy-related information in response to the request comprises returning an identifier of at least one root node within the taxonomy (page 2, paragraph 0010, lines 6-14).

As per claim 4 Carson et al. is directed to returning the taxonomy-related information in response to the request comprises identifying the relationship along with each other node identifier that corresponds to the relationship data (page 2, paragraph 0010, lines 6-14).

As per claim 5 Carson et al. is directed to the identification data comprises an identifier of a taxonomy and a node identifier of a node within the taxonomy, and wherein returning the taxonomy-related information in response to the request comprises returning at least one other node identifier that corresponds to the relationship data (page 7, paragraph 0073, lines 2-7).

As per claim 6 Carson et al. is directed to the relationship data indicates a parent relationship (figure 2a, wherein retrieval(244) is parent of healthcare(261)).

As per claim 7 Carson et al. is directed to the relationship data indicates a child relationship (figure 2a, wherein healthcare(261) is child of retrieval(244)).

As per claim 8 Carson et al. is directed to returning the taxonomy-related information in response to the request comprises returning an identifier of another taxonomy (page 7, paragraph 0068, lines 10-12).

As per claim 9 Carson et al. is directed to returning the taxonomy-related information in response to the request further comprises returning at least one node identifier corresponding to at least one node in another taxonomy (page 7, paragraph 0068, lines 7-10).

As per claim 10 Carson et al. is directed to the relationship data indicates an equivalence relationship (figure 2a wherein healthcare(261) and banking(260) are on the same level in the taxonomy).

As per claim 11 Carson et al. is directed to returning the taxonomy-related information in response to the request further comprises returning at least one attribute value that indicates whether a node corresponding to that attribute value comprises a classification node (page 7, paragraph 0072, lines 3-6).

As per claim 12 Carson et al. is directed to returning the taxonomy-related information in response to the request further comprises returning at least one text string (page 5, paragraph 0048, second column, lines 9-10).

As per claim 13 Carson et al. is directed to the request includes at least one other set of identification data and relationship data, and wherein the response returns data corresponding to the request in the order in which the identification data and relationship data was received such that the first set of identification data and

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relationship data corresponds to a first part of the response and the at least other set of identification data and relationship data corresponds to a second part of the response.

(page 7, paragraph 0068; page 7, paragraph, 0073, lines 1-4).

As per claim 14 Carson et al. is directed to the request comprises an XML message, and wherein returning the taxonomy-related information in response to the request further comprises formatting the response as an XML message (page 4, paragraph 0040, lines 5-7, wherein transportation could mean both request and response).

As per claim 15 Carson et al. is directed to the taxonomy-related information corresponds to a taxonomy maintained at a UDDI server (page 1, paragraph 0003, lines 6-8; page 7, paragraph 0068, line 1).

As per claim 16 Carson et al. is directed to a computer-readable medium having computer-executable instructions operable to execute the method of claim 1 in computer system (see rejection for claim 1, page 5, paragraph 0044, lines 5-7).

As per claim 17 Carson et al. is directed to a in a computing environment, a method for obtaining taxonomy information for one or more nodes in a taxonomy comprising a hierarchy of nodes where the taxonomy categorizes web services or web service providers, the method comprising:

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an act of constructing a request for taxonomy data regarding one or more specified nodes comprising or being logically ordered under at least one of plurality of root nodes, the request including identification data from which a node within the taxonomy may be identified and at least one relationship qualifier that identifies a desired relationship the node is to have with the specified nodes (page 4, paragraph 0032, lines 4-5; page 7, paragraph 0071; page 7, paragraph 0072, lines 6-7; page 7, paragraph 0074, lines 2-4);

an act of communicating the request to a server (page 1, paragraph 0003, lines 6-8);

an act of receiving a response from the server regarding the requested taxonomy data including identification information regarding the node corresponding to the identification data and relationship information corresponding to the relationship qualifier (page 4, paragraph 0040, lines 7-8; page 7, lines 0068); and

an act of presenting information about the taxonomy including the received response to the computer user, the information based on the identification information and based on the relationship information in the response (page 4, paragraph 0040, line 7-12; page 7, paragraph 0068).

As per claim 18 Carson et al. is directed to the identification data comprises a unique identifier and the relationship qualifier indicates a root node relationship with the taxonomy, and wherein the response includes information about at least one root node in the taxonomy (page 7, paragraph 0070, lines 7-8).

As per claim 19 Carson et al. is directed to the identification data further includes node identification data from which a node within the taxonomy is operable to be identified (page 7, paragraph 0070, lines 1-3; page 7, paragraph 0071, lines 1-3).

As per claim 20 Carson et al. is directed to the relationship qualifier indicates a parent node of a node identified by the node identification data, and wherein the response includes information about the parent node (page 7, paragraph 0074, line 2).

As per claim 21 Carson et al. is directed to the relationship qualifier indicates a child node of a node identified by the node identification data, and wherein the response includes information about at least one child node, if any exist (page 2, paragraph 0010, lines 6-14, wherein the child node is in a level below one mentioned in request).

As per claim 22 Carson et al. is directed to the relationship qualifier indicates an equivalent node of a node identified by the node identification data (page 2, paragraph 0010, lines 6-14, wherein the equivalent node is in on the same level as one mentioned in request).

As per claim 23 Carson et al. is directed to receiving the response from the server further includes receiving an attribute value that indicates whether a node in the taxonomy is intended as a classification node (figure 3 (30); page 7, paragraph 72).

As per claim 24 Carson et al. is directed to receiving the response from the server further includes receiving at least one text string that corresponds to a node in the taxonomy (page 5, paragraph 0048, second column, lines 9-10).

As per claim 25 Carson et al. is directed to constructing a request for taxonomy data comprises constructing an XML message (page 4, paragraph 0040, lines 5-7).

As per claim 26 Carson et al. is directed to communicating the request to a server comprises sending the XML message to a UDDI server (page 1, paragraph 0003, lines 6-8; page 4, paragraph 0040, lines 5-7; page 7, paragraph 0068, line 1).

As per claim 27 Carson et al. is directed to a computer-readable medium having computer-executable instructions operable to execute the method of claim 17 in a computer system (see rejection for claim 17, page 5, paragraph 0044, lines 5-7).

As per claim 28 Carson et al. is directed to in a computing environment, a system for obtaining taxonomy information for one or more nodes in a taxonomy, the system comprising:

a client, the client including an application program that presents taxonomy-related data using received taxonomy data regarding one or more specified nodes, the specified nodes comprising or being logically ordered at least one of a plurality of root

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nodes, the received taxonomy data including information regarding a node corresponding to the identification data and relationship information corresponding to a relationship qualifier; (page 3, paragraph 0028, lines 3-4; page 3, paragraph 0027, lines 3-6 page 7, paragraph 0071; page 7, paragraph 0072, lines 6-7; page 7, paragraph 0074, lines 2-4) and

a server (page 1, paragraph 0003, lines 6-8) that maintains taxonomy data, the server configured to receive taxonomy-related requests from the client seeking relationship information regarding an existing node and relationship information that indicates the specified relationship between the identified node and the specified nodes, and in response to each request, to locate the relationship information corresponding to a specified nodes in the taxonomy and to return a response to the client (page 3, paragraph 0027, lines 5-7; page 4, paragraph 0040, line 12; page 7, paragraph 0068, lines 1-2).

As per claim 29 Carson et al. is directed to the relationship information corresponding to the node in the specified taxonomy comprises a root qualifier (page 2, paragraph 0010, lines 6-14).

As per claim 30 Carson et al. is directed to the relationship information corresponding to the node in the specified taxonomy comprises a parent qualifier (figure 2a, wherein retrieval(244) is parent of healthcare(261)).

As per claim 31 Carson et al. is directed to the relationship information corresponding to the node in the specified taxonomy comprises a child qualifier (figure 2a, wherein healthcare(261) is child of retrieval(244)).

As per claim 32 Carson et al. is directed to comprising a database in which the server maintains the taxonomy data (page 6, paragraph 0056, lines 8-9).

As per claim 33 Carson et al. is directed to the taxonomy-related requests from the client comprise XML messages (page 4, paragraph 0040, lines 5-7, wherein transportation could mean both request and response).

As per claim 34 Carson et al. is directed to the response to the client comprises an XML message (page 4, paragraph 0040, lines 5-7, wherein transportation could mean both request and response).

As per claim 35 Carson et al. is directed to the server comprises a UDDI server (page 1, paragraph 0003, lines 6-8; page 7, paragraph 0068, line 1).

As per claim 36 Carson et al. is directed to the client provides the request to the server by calling an application programming interface, the application programming interface formatting the request as a message for communicating with the server and

returning the response to the client in response to the application programming interface call (page 5, paragraph 0049, lines 11-12).

As per claim 41 Carson et al. is directed to in a computing environment, a system for obtaining taxonomy information for one or more nodes in a taxonomy, the system comprising:

means for receiving a request that indicates identification data from which a node within the taxonomy may be identified and relationship data that indicates the desired relationship between the node and the identified node corresponding to the taxonomy (page 4, paragraph 0032, lines 4-5; page 7, paragraph 0071; page 7, paragraph 0072, lines 6-7; page 7, paragraph 0074, lines 2-4);

means for extracting the identification data and the relationship data from the request;

means for querying one or more databases in accordance with the identification data and the relationship data to obtain taxonomy-related information for any nodes having specified relationship with the identified node, the nodes of each database comprising or being logically ordered under at least one of a plurality of root nodes; (figure 2A; page 6, paragraph 0056, lines 8-9; page 7, paragraph 0068, page 7, paragraph 0070, lines 3-10) and

means for receiving taxonomy-related information having at least one identifier that corresponds to the node having the specified relationship with the identified node in response to the query (page 3, paragraph 0025, lines 3-5).

As per claim 42 Carson et al. is directed to means for returning the taxonomy-related information in response to the request (page 5, paragraph 0049, lines 11-12, wherein "the taxonomy" could mean "content").

As per claim 43 Carson et al. is directed to the means for querying the database comprises request handling means in a UDDI-server environment (page 1, paragraph 0003, lines 6-8; page 7, paragraph 0068, line 1).

Response to Arguments

10. Applicant's arguments filed 07/19/2006 have been fully considered but they are not persuasive.

In response to applicants argument that Carson et al. does not teach querying at least one or more databases is not deemed persuasive.

Carson et al. teaches searching through taxonomy index information from a tree-like structure representing services that could be stored in a database. Furthermore the categories could represent tables or columns within database structure. As described in paragraph 0056, lines 8-9 data is found in remote databases.

In response to applicants argument that Carson et al. does not teach receiving taxonomy information having at least one identifier that corresponds to a node having the specified relationship with identified node is not deemed persuasive.

Carson et al. teaches the use of additional identifiers that that could represent variety of information could be included such as additional business information as for example parent companies could be included (page 7, paragraph 0074, lines 1-4). Also as shown in figures 2A and 2B the information is stored in a parent-child relationship in a tree-like structure.

Conclusion

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tomasz Ponikiewski whose telephone number is (571)272-1721. The examiner can normally be reached on 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Gaffin can be reached on (571)272-4146. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Tomasz Ponikiewski
January 8, 2007

Niveen Abdel-Tal

Attorney